

APPEAL NO. 022637
FILED NOVEMBER 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 25, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the second and third compensable quarters. The claimant appealed on sufficiency grounds, and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant was not entitled to SIBs for the second and third compensable quarters. Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) set out the statutory and administrative rule requirements for SIBs. At issue in this case is whether the claimant met the good faith job search requirement of Section 408.142(a)(4) by complying with Rules 130.102(d)(4) and 130.102(e). It is undisputed that the claimant sustained a compensable injury on _____; that the claimant has reached maximum medical improvement with an impairment rating of 15% or greater; and that the qualifying periods for the second and third quarters ran from March 7 through September 4, 2002. The hearing officer made an unappealed finding that the claimant's unemployment was a direct result of his impairment from the compensable injury.

The claimant asserts that he met the good faith job search requirement of Rule 130.102(b)(2) by compliance with Rule 130.102(d)(4) for the second and third quarters showing that he had no ability to work. Rule 130.102(d)(4) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work. The hearing officer found that the claimant had some ability to work, as addressed in a functional capacity examination, that his treating doctor's and a required medical examination doctor's records did not constitute a narrative report which specifically explains how the compensable injury causes a total inability to work as provided by Rule 130.102(d)(4). We have specifically reviewed the treating doctor's report dated June 13, 2002, and find it to be a form report with blocks for "Pain" and "Disc herniation or lesion and associated residual symptoms" checked without further comment regarding the claimant's specific circumstances. The hearing officer's determination is fully supported by the evidence.

After review of the record before us and the complained-of determination, we have concluded that there is sufficient legal and factual support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge